

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA**

KYLIE AMISON,)	
)	
)	
<i>Plaintiff,</i>)	
)	
)	
v.)	Civil Action No.: 1:22-cv-00731
)	
RECTOR AND VISITORS OF GEORGE)	
MASON UNIVERSITY, <i>et al.</i>)	
)	
)	
<i>Defendants.</i>)	

**RECTOR AND VISITORS OF GEORGE MASON UNIVERSITY AND GEORGE
MASON UNIVERSITY AMENDED NOTICE OF APPEAL**

On December 5, 2022, the Court denied the motion to dismiss filed by the Rector and Visitor of George Mason University and George Mason University (collectively “Mason”). Dkt. 19. Mason then filed a Motion for Reconsideration of the December 5, 2022 Order or, in the, Alternative a Motion to Dismiss Under Rule 12(b)(1). Dkt. 21. Thereafter, on January 3, 2023, Mason filed a notice of appeal from the December 5, 2022 order denying the motion to dismiss to the United States Court of Appeals for the Fourth Circuit under the collateral order doctrine. Dkt. 24. On March 27, 2023, the Court denied Mason’s Motion for Reconsideration or, in the Alternative, Motion to Dismiss Under Rule 12(b)(1), denying reconsideration and reiterating its denial of Mason’s motion to dismiss. Dkt. 35. Mason now amends its notice of appeal to the United States Court of Appeals for the Fourth Circuit to include an appeal of the Court’s March 27, 2023 Order, Dkt. 35, in addition to the Court’s December 5, 2022 Order, Dkt. 19. *See* Fed. R. App. Proc. 3(c)(1)(B); 4(a)(4)(B)(ii).

Both Mason's original Motion to Dismiss and its Motion for Reconsideration or, in the Alternative, Motion to Dismiss Under Rule 12(b)(1) asserted that Mason has sovereign and Eleventh Amendment immunity from this suit. Mason is an "arm of the Commonwealth of Virginia," *Adkins v. Rector & Visitors of George Mason Univ.*, No. 15cv879, 2015 U.S. Dist. LEXIS 128150, at *4 (E.D. Va. Sept. 23, 2015), and this appeal raises issues of Eleventh Amendment and sovereign immunity. It, therefore, falls within the collateral order doctrine. *See Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 147 (1993).

April 5, 2023

RESPECTFULLY SUBMITTED,

_____/s/_____

Eli S. Schlam, Asst. Atty. Gen.
Virginia Bar Number 92987
George Mason University
4400 University Drive,
MS 2A3
Fairfax, VA 22030
Phone: (703) 993-2619
Fax: (703) 993-2340
eschlam@gmu.edu

*Attorney for The Rector and Visitors of George
Mason University and George Mason
University*

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April 2023, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record in this case.

_____/s/_____

Eli S. Schlam, Asst. Atty. Gen.
Virginia Bar Number
92987George Mason
University 4400
University Drive,
MS 2A3
Fairfax, VA 22030
Phone: (703) 993-2619
Fax: (703) 993-2340
eschlam@gmu.edu